

United States District Court District of New Hampshire

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

DEC 13 2012

FILED

UNITED STATES OF AMERICA
v.
DANIEL THOMAS MORIARTY, III

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)
(For Offenses committed on or after November 1, 1987)

Case No. **11-cr-3-01-PB**
USM No. 12227-049
Harry Batchelder, Esq.
Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of mandatory, standard and special condition(s) of the term of supervision.
☐ was found in violation of condition(s) ___ after denial of guilt.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following violation(s):

Violation Number	Nature of Violation	Date Violation Occurred
1	Mandatory Condition: Illegal possession and use of controlled substance, heroin	11/07/2012
2	Standard Condition: Failure to notify probation officer of being arrested or questioned by law enforcement	11/07/2012
3	Special Condition: Failure to comply with home detention condition	11/07/2012

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) ___ and is discharged as to such violation(s) condition.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Last Four Digits of Defendants SSN: 1489

Defendant's Year of Birth: 1982

City and State of Defendant's Residence:
Rindge, NH 03461

12/18/2012

Date of Imposition of Sentence

Signature of Judicial Officer

PAUL BARBADORO
United States District Judge
Name & Title of Judicial Officer

Date

CERTIFIED TO BE A TRUE COPY
JAMES R. STARR, CLERK

BY: *V. J. Negron*

DEPUTY CLERK

AO 245D (Rev. 12/07) Judgment in a Criminal Case for Revocation - Sheet 2 - Imprisonment

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 DEFENDANT: **DANIEL THOMAS MORIARTY, III**

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 6 months.

☒ The court makes the following recommendations to the Bureau of Prisons:
 that the defendant serve his sentence at a facility as close to his family as possible (in New England)

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.
☐ at _ on _
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before _ on _
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on 1/11/13 to FMC Deeris
 at Ayer, MA, with a certified copy of this judgment.

For J. Corrado, USA
 UNITED STATES MARSHAL

By L. Aganzo, CSO
 Deputy U.S. Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 22 months

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons

The defendant shall not commit another federal, state, or local crime

The defendant shall not illegally possess a controlled substance

Pursuant to 42 U.S.C. § 14135a, the defendant shall submit to DNA collection while incarcerated in the Bureau of Prisons or at the direction of the U.S. Probation Office

For offenses committed on or after September 13, 1994

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 72 drug tests per year of supervision

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer,
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer,
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer,
- 4) the defendant shall support his or her dependants and meet other family responsibilities,
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons,
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment,
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician,
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer,
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer,
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer,
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court,
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement

SPECIAL CONDITIONS OF SUPERVISION

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In addition, the defendant shall comply with the following special conditions:

As directed by the probation officer, the defendant shall participate in a program approved by the United States Probation Office for treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse. The defendant shall also abstain from the use of alcoholic beverages and/or all other intoxicants during and after the course of treatment. The defendant shall pay for the cost of treatment to the extent he is able as determined by the probation officer.

The defendant shall be subject to a curfew for the first 6 months after being released from custody, as directed by the supervising officer.

Upon a finding of a violation of probation or supervised release, I understand that the court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Probation Officer/ Designated Witness

Date